

MINUTES  
Planning and Zoning Commission & Architectural Board of Review  
City of Willoughby Hills, Ohio

February 15, 2018

CALL TO ORDER      7:00 P.M

**PRESENT:**                      Vice Chairman John Lillich, Mayor Robert Weger,  
   Councilman David Fiebig, Jonathan Irvine and Michael Kline.

**NOT PRESENT:**              Chairman Christopher Smith

**ALSO PRESENT:**            City Engineer Pietro DiFranco, BZA Representative Frank Cihula  
   and Clerk Katherine Lloyd

**MOTION:**            Jonathon Irvine moved to excuse Christopher Smith from tonight's meeting.  
   Seconded by Mayor Robert Weger.  
   Voice Vote: Ayes Unanimous.  
   **Motion Passes: 5/0.**

**Correspondence:**

Email dated 1/23/18 from City Engineer DiFranco RE: Covered Porch & Open Deck-30525 Eddy Rd.  
Email dated 2/8/18 from City Engineer DiFranco RE: Zoning Review Tracker – Willoughby Hills.  
Email dated 2/8/18 from City Engineer DiFranco RE: near 2646 Dodd Rd for The John and Carol Lillich Meadows at the Hach-Otis Sanctuary.  
Email dated 1/22/18 from Assistant City Engineer Trepal RE: New House at 36405 Chardon Rd  
Email dated 2/13/18 from City Engineer DiFranco RE: 2685 Dodd Rd for Lillich Meadows at the Hach-Otis Sanctuary.

**Disposition of Minutes**                      **February 1, 2018**

**MOTION:**            Councilman Fiebig moved to approve the Minutes of February 1, 2018 as submitted.  
   Seconded by Mayor Weger.  
   Voice Vote: Ayes Unanimous.  
   **Motion Passes: 5/0.**

**ARCHITECTURAL BOARD OF REVIEW**

**Public Portion opened at 7:01 P.M.**  
No public input  
**Public Portion closed at 7:01 P.M.**

- 1.) William and Roseanne Papineau  
Agent/Contractor: Chadwick Homes  
**30525 Eddy Rd. – Covered Porch & Open Deck - PPN: 31-A-013-C-00-008-0**  
Plans stamped received in Building Department 1/22/18  
Plans stamped reviewed by City Engineer 1/23/18

Present: Charles Pengal (Chadwick Homes) and William and Roseanne Papineau.

Owner/Representative Comments:

- Project is a deck and covered porch off the rear of the house. It will be a 3-season room with a finished exterior with rough sawn cedar siding trim, vinyl sliding windows and cathedral ceiling made of rafters.
- The roofline of the house will continue along the east side of the building. It will incorporate the 2-foot overhang that the existing house has. Similar finish will be used on the windows, soffits and gutters. The home is all multi-colored brick [photos shown]. The porch will have rough sawn cedar lap siding. It will be stained with Olympic 920 Aspen Tan to be compatible with the brick.
- The sliding windows on the porch are bigger than those in the house for air.
- Because it is a post structure on a slope there will be no problem with drainage. It slopes slightly from one side to the other. There will be screen netting between the joists and the deck. At this time, there will be no skirting around the bottom of the deck.

City Engineer's Comments (DiFranco):

It conforms to Code. Approval is recommended

Board Comments:

(Lillich) Putting on a gable roof greatly enhances the property.

(Fiebig) Will you re-do the roof? *We will continue with the same shingles that are on the existing home. Because it is a reverse gable, there will be two valleys.* Is the existing roof newer? *It is about 10-15 years old.* There may be a slight difference in color due to weathering. *The two roofs will tie in at valley. A slight difference will not be very noticeable.*

MOTION: Councilman Fiebig moved to approve the plans for the Covered Porch & Open Deck at 30525 Eddy Rd. as presented.  
Seconded by Jonathon Irvine.  
Voice Vote: Ayes Unanimous.  
**Motion Passes: 5/0.**

Additional discussion:

(Pengal) When is the permit issued?

(Lillich) You need to take this document to Painesville to get your building permit.

**The next project on the Agenda is a sign for the Audubon Society of Greater Cleveland.**

Mr. Lillich announced that for he will recuse himself from the Board during review of the next project because he is a Trustee of the Audubon Society. We need to elect a Vice Chairman *pro tem* for review of this next project.

MOTION: Mayor Weger moved to elect Jonathon Irvine to be Vice Chairman *pro tem* for this next project.  
Seconded by Michael Kline.  
Voice Vote: Ayes Unanimous.  
**Motion Passes: 5/0.**

**Jonathon Irvine is the Vice Chairman *pro tem* for this next project.**

**Mr. Lillich left the Board to sit in the audience at 7:15 PM.**

**Mr. Irvine took up the gavel as Vice Chairman *pro tem* at 7:15 PM.**

2.) Audubon Society of Greater Cleveland

Agent/Contractor: Agile Sign & Lighting – Lou Belknap

**2685 Dodd Rd. – Post-In Panel Sign – PPN: 31-A-009-E-00-019-0**

Plans received in Building Department 2/7/18

Plans reviewed by City Engineer 2/8/18

Present: Lou Belknap representing Agile Sign & Lighting for the Reserve

Owner/Representative Comments:

- It is a single-face, post panel, non-illuminated sign parallel to the road. The size of the sign is 24 sq. ft. By code, it could be larger. The height is 6 ft. 4 inches; by Code it is permitted to be 8 ft.
- It is located on the site on the east side of the driveway off Dodd Rd. The setback is 40 ft. Code allow 30 ft. Since the sign is non-illuminated, I would request moving it forward to the 30 ft. setback so it is not buried amongst the overgrowth.

City Engineer's Comments (DiFranco):

Everything he explained conforms to the Code. I have no issues.

Board Comments:

(Fiebig) The only comment that I have is really a side issue that I have shared with the Board by email is about some public official being on a commission and having the name of a property or the name of any sort of thing in the City with that official being on the commission. I ask that we consider that a little bit more because of the encumbered situation that a board member might have in, perhaps there'd be some issues or perhaps there'd be concerns that they would have with an official. That is why I brought those concerns. It is nothing against the gentleman or against the donation or the time or whatever. It is more of an overarching, should the City consider that when you have an official in a public body, should there be public property or properties in the City with signs there, does that make anyone uncomfortable? It was a discussion that some years back that the City had in regarding the Community Center across the street and a Mayor at the time wanting to name it after. These are the things that I have gathered over the years that there were some concerns about. That's why I brought that up. I think I would be correct in saying that I did not hear back from anybody with those concerns. I thought was important to raise them. I thought it would be any opportunity to have that discussion. That's where I stand on that. I wanted to make that clear to the Board and open it for discussion if anybody had those concerns.

(Kline) There was a series of emails going back and forth about that. One was from one of the attorneys who, if I read it correctly, he seemed to have no problem. He said there should be no concerns.

(Weger) It was private property. It wasn't city owned. So that's the difference.

(Fiebig) Correct, and I concur with the legal opinion that, yes, it is fine. It is more of a policy or should it be a policy. It was that concern and I think it was important to discuss and to bring up the issue. And that's why I did. Again, it is not about 'is it legal'. It is about 'is it a good policy to have a sitting official on a body where there's something being named in honor of that person or because of that person or what not'. I thought it was important to bring up the issue

Again, I think I am in the minority on that. I don't have a problem with the sign or the legality of it or the placement of it or anything else.

**MOTION:** Mayor Weger moved to approve the Post-In Panel Sign at 2685 Dodd Rd.as submitted.  
Seconded by Michael Kline  
Voice Vote: 3 Ayes and 1 Nay (Fiebig).  
**Motion Was Denied Due to no Majority.**

Additional Discussion:

(Cihula) You need 4 affirmative votes for approval, per Charter.

What is the next step? Do they have an opportunity to resubmit?

(Weger) Yes, he can resubmit for next meeting and we will have the 5<sup>th</sup> Board member here.

**Mr. Lillich came back up to the dais at 7:22 PM**

(Lillich) I would request that the no-voter state the section of the Zoning code that he is citing to deny the sign.

(Irvine) We have a request that the Zoning code being violated be stated for the record by the no-voter. John was not presenting. I do not think we can honor that request. We are past Public Portion.

(Weger) We will hold that for next time.

(Irvine) That should be addressed next meeting during Public Portion.

(Lillich) Super. I am sorry that you [Belknap] have to come back.

Belknap) So am I because it has nothing to do with the sign. I will do what you folks want but I think it is totally unfair.

**Vice Chairman *pro tem* Irvine turned the meeting over to Mr. Lillich at 7:23 PM.**

**Mr. Lillich took his seat as Vice Chairman at 7:23 PM.**

**PLANNING COMMISSION**

**Public Portion opened at 7:23 P.M.**

Linda Fulton, 2909 Marcum

You have to change your chairman back.

*Mr. Irvine was elected for one item, the sign. The minutes will note the time the Vice Chairman returned to his seat.*

**Public Portion closed at 7:23 P.M.**

1.) McDonald's Corporation – Dave Gnatowski

Agent/Contractor: Katie Getz

2841 Bishop Road

- Exterior building renovations, building signage & addition of a dual drive-thru lane

- PPN: 31-A-008-D-00-860-0

Plans received in Building Department 1/30/18

Plans reviewed by City Engineer 2/2/18

Present: Dave Gnatowski, (area construction manager for McDonald's USA, LLC).

Scott Fox (area construction manager for McDonald's USA, LLC).

Nick Karos (owner-operator who has been with McDonald's for 60 years) - in audience.

Owner/Representative Comments:

- Tonight's plan is historic. McDonald's is changing the colors and look of the building. A timeline of different architectural store styles since the original 'red and white buildings' was explained. This building is being remodeled to the current and hopefully the future style.
- The exterior building color will be changed to an Iron Mountain Gray with a red panel wall with an arch on it in the front and a wood look panel at the entrance point. It is trimmed with a white ribbon canopy which protects customers from the rain. The rear of the building will have a new side-by-side drive-thru. The drive-thru windows for customers to pay are on the side of the building. The windows have a wood look. Samples of materials were shown.
- The whole interior of building will be redone and remodeled with a brand new décor. All access and restrooms will redone to be totally ADA compliant. That will involve tearing out pavement outside also. A certified inspector will inspect and verify that it was done correctly. The inspector will make a report.
- Kiosks will be added to the customer service area for customers to self-order food in addition to customer counters.
- Wi-Fi technology will added to the restaurant.

City Engineer's Comments (DiFranco):

It conforms to Code. This is the 2<sup>nd</sup> set of plans they have submitted. The 1<sup>st</sup> set had additional signage which has been removed. This set conforms to Code. Approval is recommended.

Board Comments:

(Lillich) This is the first of this color scheme I have seen. Will it be very common? We have done some in Twinsburg and Maple Hts. The contrasting color scheme is tasteful.

(Fiebig) The tasteful muted colors go well with the environment. There is good low profile directional signage, clearly marked for traffic.

MOTION: Jonathon Irvine moved to approve the plans for Exterior building renovations, building signage & addition of a dual drive-at 2841 Bishop Road as presented.

Seconded by Councilman Fiebig.

Voice Vote: Ayes Unanimous.

**Motion Passes: 5/0**

Additional Discussion:

(DiFranco) When do you plan construction? *As early as April, weather permitting. It depends on permitting.*

(Weger) Will you stay open the whole time through construction? *We will keep the drive-thru open. At some point the lobby will be shut down.*

(Fiebig) The drive-thru will stay open? *Yes, unless something like a safety concern comes up. But it would only be temporary.*

(Lillich) I was on this Board when this McDonald's first opened.

UNFINISHED BUSINESS

None

## NEW BUSINESS

Mr. Irvine suggested that the topic raised by David Fiebig during the motion could be further discussed under New Business. I am unclear on the exact topic. I heard 'Name', 'sign' and 'private property'.

Mr. Fiebig was asked to clearly state what we need to consider going forward for signs. There are many definitions on names on private property that could be impacted so we want to be pretty careful where we go with this. Mr. Fiebig stated that the issue, as he sees it, is when we have an elected or appointed official in a city and the body this person is a part of has control over naming something. We are feeling a little pressure because the person is here. Maybe there are some concerns about the name on the sign or perhaps there are some issues about the sign. I don't have concern about the physical layout of it. But, should we, as a City, as a policy have the policy that when there is an elected or appointed official, there should not be the naming of that official on any property that the body would be responsible for, appointing, approving, whatever.

Mr. Irvine asked if there is any precedence we are basing this on or if this is a general concern.

Mr. Fiebig stated that his experience has been with the Community Center and the naming of that and how that all came about. There was a lot of uproar in the community over that. Certain rooms and pavilions were named for people. I was part of Council at the time when there was a proposal in front of it to name a building the 'Reichelt Gazebo'. That puts a person in an uncomfortable position. You can see John is here in the room. Here is the proposal in front of us. To say that there is no pressure perhaps to approve of that – I think it is an 'elephant in the room'.

Mr. Irvine asked if that applied to projects as well, just projects in general. If I wanted to build a house in Willoughby Hills, would the pressure of being on this Board prevent me from building a house and having it approved by this panel?

Mr. Fiebig replied that he did not think it would. For example, he has a sign on an existing building with his last name on it. If he were to come to the Board to update it, would there be a problem with me doing that? To update it: 'No'. If I wanted to name it the Fiebig Building, it is on private property. There would not even be an argument. I could name it that. Of course, I would not be here that day or recuse myself as John did. Rightfully so. And you were advised to do so.

(Lillich) No, I was advised to abstain.

(Cihula) Abstentions don't count. Four affirmative votes were needed.

Mr. Irvine asked his question because he wants to make sure we are clearly defining what we are discussing. To him, a sign in honor of a property or a preserve doesn't sway the vote of this Board any more than a member building a brand new house could potentially sway the vote of this Board. He wants to understand for himself.

Mr. Fiebig continued. The naming of a building or the building of his house or your house or whatever it would be, this is a public place. It is a public place.

(Lillich) It is private property.

It is not a public place? (Lillich) No. Nobody is allowed to.

(Lillich) The Audubon Society will allow the public in because it is part of our reason for being – is education. It is not public. I can open and close it. I can say 'open by appointment only'. It is private property. It is deeded to the Audubon Society of Greater Cleveland. It has a Conservation Easement on it held by the Western Reserve Land Conservancy which we negotiated. It tells us what we can do there and what they can ever do there. But it is to be a Nature Preserve forever.

*Because of our mission and our mission statement which is education, preservation and enhancement, I think we have done a big thing for the City of Willoughby Hills. I worked 40 years on this. It is private property. We control the hours. I am the manager and the caretaker of this preserve. The State of Ohio says so. They protect part of it in the State Natural Areas Act. They agree that we set the rules. The State of Ohio has an interest in protecting it. It is totally private property.*

*Just to continue that thought, if you follow this line of thought down the road, you are intruding into private enterprise, let alone private persons' lives. Big government has been famous that. I am opposed to. I hate to see what the federal government does trickle on down to local governments.*

*As far as naming this, as a matter of history, this was done last June. It is not current. It is not going to be changed. Mr. Fiebig had an invitation to the Dedication. I put it in his box.*

*(Fiebig) I do not recall it. I'm sorry.*

(Irvine) I understand that there is vested interest. That is to David's point. When we are talking about private property, I am very concerned with what we tell the owners of that property or the folks who are invested in that property what they can and can't do. It was brought up as a point that we should take forward as New Business. I think we should discuss it accordingly but we all need to be very aware of the precedence we will set for other folks who want to invest in Willoughby Hills or want to live here. That was my reason for bringing it up. I appreciate your responses. We can continue this next meeting unless there are further comments.

(Fiebig) If you could stipulate that raising the issue is a viable issue that we have had in the City about naming things and if you recognize where I am coming from with that, I think it was important to bring up. I am sorry for the inconvenience but I did try to address it in an email earlier. I asked for a little time to talk about it with my Council colleagues and see if there was an appropriate – enough people who would be interested in making it a policy or did we explore this more. You brought up some interesting points about the private property vs. a public place. It is my impression from this that it was a public place.

*(Lillich) No, Audubon Society of Greater Cleveland is no secret. They put \$300,000.00 into that project to purchase it.*

(Fiebig) And you personally did as well?

*(Lillich) I made a donation. That's not the point. I had worked on enlarging this preserve for 40 years. The two other opportunities we had to do it fell through because of state administration and budget cuts. This was on the verge of falling through. Carole and I stepped up to make sure it didn't fall through this time. Not that we could afford it. We can't. But we didn't want to see it fall through again.*

*Basically I think that the Chagrin River Valley is the biggest asset this City has. The more we can do to preserve it - it is something the City can brag about. My emphasis on doing it was for Willoughby Hills and its image, which is suffering right now. That's why we stepped up. I worked on it for 40 years. Carole and I and the Audubon Society with the Land Conservancy worked on it for 7 years. It did not happen overnight. It is a difficult thing to do and it is some valuable property. Mainly, we did it for the City.*

(Kline) I attended the Dedication. It was stated at the Dedication that the Sanctuary was named in honor of John Lillich. So the name was there. This is just recognizing it with a sign.

*(Lillich) Signage is necessary for people trying to get to that location. Following the GPS address would take them to a different address.*

(Fiebig) Based on that information and open discussion, I would make a motion to reconsider the vote if we can.

(Irvine) We have not closed the meeting yet.

(Fiebig) Based on new information and frank dialogue, I would motion to reconsider the vote for the Sign if we can.

MOTION: David Fiebig moved reconsider the vote on the Signage for the Audubon Society.  
Seconded by Mayor Weger  
Voice Vote: 4 Ayes and 1 Abstention (Lillich).  
**Motion Passes: 4/0**

MOTION: Mayor Weger moved to approve the Sign at 2685 Dodd Rd. for the Audubon Society of Cleveland as presented.  
Seconded by David Fiebig

Discussion:

(Fiebig) Again, I'd say, for the record, having the frank discussion about public officials and naming properties in the City is an important discussion to have as a community. It is important for the elected and appointed officials to be very comfortable from all angles. If you read that link, there's a good dozen reasons why this might not be a good idea. It is not personal to Mr. Lillich. As a policy for the City, is it something we should explore more – and yes, I think we should. Again, I appreciate the frank dialogue, the opportunity to be heard about it, sorry for the inconvenience of anyone, but these matters are important. I consider my vote to be very important. But I am also a reasonable man who listens. I heard you.

(DiFranco) Just to clarify for the record, the actual address is 2685. The application was incorrect.

Voice Vote: 4 Ayes and 1 Abstention (Lillich).  
**Motion Passes: 4/0**

MAYOR'S REPORT

None

COUNCIL REPRESENTATIVE'S REPORT (Fiebig)

- Planning and Zoning: I am anxious to hear where we are in review of the Master Plan process.
- Council Representative to the PCABR: Council appointed David Fiebig the chairman of the Council Committee. That makes him the PCABR Representative. Laura Pizmoht is his designated Council Alternate.
- Chagrin Valley Rivershed Partners: Today I attended the meeting, in the absence of Jan Majka. They had four budget items which applied to us. They are grants available us as a community: the 319 grants, the Great Lakes Restoration, the ODNR and the Lake Erie Protection Fund. The community can get grant money for stream bank restoration, trees and parks. They even do trails and lighting. It is about protecting our waterways. This is the 50<sup>th</sup> anniversary of the Ohio Scenic River Act of 1968. The Chagrin River was one of those in 1979. Mr. Lillich was on that, too.

BUILDING COMMISSIONER'S REPORT (DiFranco)

- Next PCABR Meeting:
  - There is one project already. It is a house addition on Bishop Rd.



- Aspire Fitness is going in where Office Max was at the Shoppes of Willoughby Hills. They will split the project into two phases. The interior remodel does not require Planning Commission approval. The 2<sup>nd</sup> phase would be the proposed gymnasium which requires Change of Use review by the Planning Commission. It will be done later.
- There is construction on Chardon Rd. by the new owner just west of the old Sivazlian property. He plans to dredge an old farm pond on the site. There are no permits necessary for dredging and maintenance. He plans to make a new driveway. At that time, he will need permits and possible PCABR approval

Mr. Lillich asked about possible changes at the old Sivazlian house and much construction equipment. Mr. DiFranco will follow up.

VICE CHAIRMAN'S REPORT (Lillich)

I would like to talk about my philosophy about this job and this Board for the City of Willoughby Hills while everyone is here. I do not know if I am a city official or not. I am not remunerated or paid. I consider myself a volunteer.

(Cihula) You are an officer of the City.

I consider myself a volunteer. Applicants come here to do many different things. My job is to help them reach the conclusion of the project that they have while doing it within the Code and the laws of the City. We have seen those things many times butt up head to head. This board has always been able find ground that satisfies the City and satisfies the applicant. That's how I look at my job - to keep the standards of the City up, to make it a desirable place for people to continue to come and live projected into the future. That's how I look at it. That's how I have carried on my duties here for many years. I wanted you to know how I feel and how I look at the position.

(Fiebig) I think Mr. Cihula is correct. You are an officer of the City. You took a vow to uphold the charter and uphold the laws of the City and you are doing it. Whether you consider yourself a volunteer, an officer or a gentleman, or whatever you want to consider yourself, you are an officer of the City and have been for quite a long time.

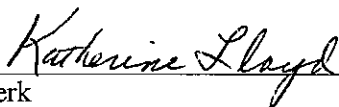
(Cihula) Like you, many of us are volunteers. We don't get paid. Some communities pay their BZA members. They do it to get them to attend meetings.

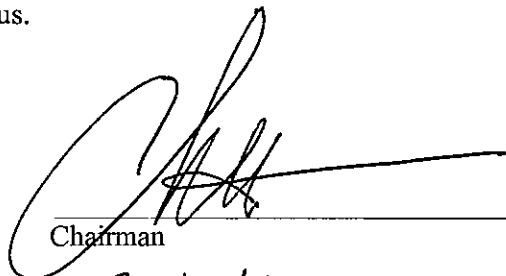
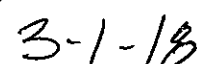
(Fiebig) That's not the issue.

(Lillich) One of the things you [Fiebig] mentioned in the email 'Do I personally benefit from anything?' Yes, I do. I get a tremendous amount of personal satisfaction out of being able to help move the City forward, to make it a desirable place. That to me is it in a nutshell. I wouldn't be here if I didn't get some satisfaction out of doing that type of thing.

MOTION: Councilman Fiebig moved to adjourn the meeting.  
Seconded by Mayor Weger.  
Voice Vote: Ayes Unanimous.  
**Motion Passes: 5/0**

Meeting Adjourned at 7:44 P.M.

  
Clerk

  
Chairman  
  
Date Approved